

Rec'd PCT/PTO 14 NOV 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

International Application Number	International Filing Date	Priority Date Claimed
PCT/EP2002/010045	9 September 2002	9 September 2002
U.S. Serial Number	Applicant(s) for DO/US	
10/524,466	Gerhard ALBRECHT, et al.	
Title of Invention		
Fluidising Composition		
Docket No. MBZ-0465		

Mail Stop PCT
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Linda K. Foster

(type or print name of person signing paper)

Linda K. Foster

(signature of person mailing paper)

11-14-2005

(date)

TRANSMITTAL SHEET

Enclosed is:

Transmittal Sheet with Certificate of Mailing and Authorization to Charge Deposit Account

Notification of Missing Requirements Under 35 USC 371 in the United States

Designated/Elected Office (DO/EO/US)

Completion of Filing Requirements with Request for Extension of Time (2 months)

Statement By Attorney That Papers Attached to Declaration Are a Copy of Those Filed in

USPTO to Get a Filing Date

Declaration/Power Attorney with Specification, Claims, Abstract, Preliminary Amendment Attached

Check in the Amount of \$550.00

Return Receipt Post Card

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

In the event an additional fee is applicable to the filing of this document and the required fee is not enclosed, or the fee submitted is insufficient, the Commissioner is hereby authorized to charge any fees for Docket No. MBZ-0465 that might be required to effect the filing of this (these) documents to Account No. 50-3275. This certificate is submitted in duplicate.

Respectfully submitted,

Joseph G. Curatolo

Joseph G. Curatolo, Esq. (Reg. No. 28,837)

Curatolo Sidoti Co., LPA

24500 Center Ridge Road Suite 280

Cleveland, OH 44145

Customer No. 23575

Telephone: 440.808.0011

Facsimile: 440.808.0657

Attorney for Applicants

Date 11-14-2005

11/17/2005 GFREY1 00000095 503275 10524466
01 FC:1617 130.00 OP



UNITED STATES PATENT AND TRADEMARK OFFICE

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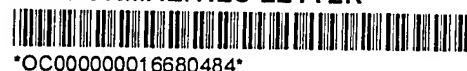
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/524,466	Gerthard Albrecht	MBZ-0465

23575
 JOSEPH G CURATOLO, ESQ.
 CURATOLO SIDOTI CO. LPA
 24500 CENTER RIDGE ROAD, SUITE 200
 CLEVELAND, OH 44145

RECEIVED
 AUG 10 2005
 CURATOLO SIDOTI

INTERNATIONAL APPLICATION NO.	
PCT/EP02/10045	
I.A. FILING DATE	PRIORITY DATE
09/09/2002	

CONFIRMATION NO. 4840
 371 FORMALITIES LETTER



OC000000016680484

Date Mailed: 08/04/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/14/2005
- Copy of the International Search Report filed on 02/14/2005
- Copy of IPE Report filed on 02/14/2005
- Preliminary Amendments filed on 02/14/2005
- Information Disclosure Statements filed on 02/14/2005
- Oath or Declaration filed on 02/14/2005
- Request for Immediate Examination filed on 02/14/2005
- U.S. Basic National Fees filed on 02/14/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,466	PCT/EP02/10045	MBZ-0465

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Linda K. Foster
(type or print name of person signing paper)

Linda K. Foster
(signature of person mailing paper)

11-14-2005
(date)

COMPLETION OF FILING REQUIREMENTS
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 USC §371

- I. This replies to the Notification of Missing Requirements Under 35 USC 371 (Form PCT/DO/EO/905) in the United States Designated/Elected Office (DO/EO/US) mailed August 4, 2005.

- ☒ A copy of the Notification of Missing Requirements under 35 USC §371 and 37 CFR 1.494 in the United States Designated/Elected Office is enclosed (Form PCT/DO/EO/905).

DECLARATION OR OATH

- II. (a) ☒ No executed original declaration or oath was filed. Enclosed is the original executed declaration or oath for this application.

OR

- (b) ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the USPTO is the application which the inventor executed by signing the declaration.
- (d) ☒ Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the USPTO to obtain the filing date.

AMENDMENT

- III. ☐ An amendment in accordance with 37 CFR §1.121 is attached.
- ☐ The attached amendment

TRANSMITTAL OF ENGLISH TRANSLATION OR NON-ENGLISH LANGUAGE PAPERS

- IV. ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the USPTO.

SMALL ENTITY STATUS

- V. Applicant is
- [] a small entity
verified statement:
- [] enclosed
- [] already filed in application
- [X] other than a small entity

COMPLETION FEES

- VI.
1. Filing Fee
- ☐ original patent application (37 CFR 1.16(a)- \$790; Small entity - \$395) \$ 0.00
- ☐ Design application (37 CFR 1.16(f) \$330; small entity - \$165) \$ 0.00

2. Fees for claims

- ☐ each independent claim in excess of 3
(38 CFR 1.16(b)-\$82; small entity -\$41) \$ 0.00
- ☐ each claim in excess of 20 (37 CFR 1.16(c)-\$22;
small entity-\$11) \$ 0.00
- ☐ multiple dependent claim(s) (37 CFR 1.16(d) - \$270;
small entity- \$135) \$ 0.00

3. Surcharge Fees

- ☐ late payment of filing fee
and/or
- ☒ late filing of original declaration or oath (37 CFR 1.16(e) - \$130;
small entity - \$65); \$ 130.00

4. ☐ Petition and fee for filing by other than all the inventors or person not the
inventor (37 CFR 1.17(h) and 1.47 - \$130) \$ 0.00

5. ☐ Fee for processing an application filed with a specification in a non-
English language (37 CFR 1.17(k) and 1.52(d)-\$130) \$ 0.00

6. ☐ Fee for processing and retention of application (37 CFR 1.21(l) and
1.53(d)-\$300) \$ 0.00

Total completion fees \$ 130.00

EXTENSION OF TIME

VII.

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out
in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Extension months</u>	<u>Fee for other than small entity</u>	<u>For small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00
<input type="checkbox"/> five months	\$ 2,010.00	\$ 1,005.00
Extension Fee		\$ <u>420.00</u>

If an additional extension of time is required please consider this a petition therefor.

Based on the extension requested in this petition, the extended period for response will expire on December 4, 2005. .

or

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

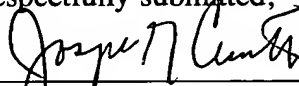
6. Fee Payment

Attached is a check in the amount of \$ 550.00

7. Fee deficiency

☒ If any additional extension and/or fee is required for this case MBZ-0465, charge Deposit Account No. 50-3275. A duplicate of this transmittal is attached.

Respectfully submitted,



Joseph G. Curatolo, Esq. (Reg. No. 28,837)
Curatolo Sidoti Co., LPA
24500 Center Ridge Road, Suite 280
Cleveland, OH 44145
Telephone: 440.808.0011
Facsimile: 440.808.0657
Customer No. 23575
Attorney for Applicants

11-14-2005

Date

11/17/2005 GFREY1 00000095 503275 10524466
02 FC:1252 30.00 DA 420.00 DP

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Linda K. Foster
(type or print name of person signing paper)

Linda K. Foster
(signature of person mailing paper)

11-14-2005
(date)

**STATEMENT BY ATTORNEY THAT PAPERS ATTACHED TO DECLARATION
ARE A COPY OF THOSE FILED IN USPTO TO GET A FILING DATE**

I, Joseph G. Curatolo
Curatolo Sidoti Co., LPA
24500 Center Ridge Road, Suite 280
Cleveland, Ohio 44145

Reg. No. 28,837
Phone No. 440.808.0011

state I am the attorney for this application and that I have reviewed the

- 1 page of abstract
- 10 pages of specification
- 5 pages of claims
- 14 pages of preliminary amendment

as shown in my files to be papers I filed in respect to the above-identified application and have compared them to the papers attached to the declaration(s) of

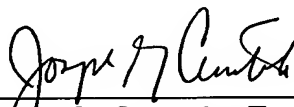
Gerhard ALBRECHT
Max OPPLIGER
Hubertus M. ZINK

for Fluidising Composition

that accompany this statement, and I declare that these papers attached to the declaration(s) are a copy of the specification as filed and any amendment thereto that I filed in the USPTO in order to obtain a filing date for this application by:

- ☐ depositing by hand at the USPTO
- ☐ mailing to the USPTO
- ☒ mailing to the USPTO by Express Mail bearing Mailing Label Number EV468904138US on 02/14/2005.

Respectfully submitted,



Joseph G. Curatolo, Esq. (Reg. No. 28,837)

Date 11-14-2005